

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

***Wednesday, September 14, 2005
9:00 a.m.***

Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 31, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, September 7, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, August 31, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: August 10, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 10 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. Revision of Waste Discharge Requirements (change in facility name and ownership): LB Twin Lakes Resort, Owner: Mr. Loc Nguyen, San Diego County (tentative Addendum No. 4 to Order No. 94-119) (*Krisitin Schwall*)
6. Revision of Waste Discharge Requirements (change in ownership): Anza Pines Mobile Home Park, Owner: Desert Center RV & Manufactured Homes, Inc., Riverside County (tentative Addendum No. 1 to Order No. 95-15) (*Eric Becker*)
7. Waste Discharge Requirements: Southern California Edison Company, San Dieguito Wetlands Restoration Project. New Waste Discharge Requirements for fill and dredging of San Dieguito Lagoon and River. (Tentative Order No. R9-2005-0213) (*Mike Porter*)
8. Metropolitan Transit System (MTS): Administrative Assessment of Civil Liability against the MTS (formerly known as the Metropolitan Transit Development Board) for Violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity at its Mission Valley East Light Rail Transit Project in San Diego. The Regional Board will consider accepting a proposed settlement in response to Administrative Civil Liability Complaint No. R9-2005-0062. If the Regional Board rejects the settlement, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0173) (*Vicente Rodriguez*)
9. Settlement of Liability Against JRMC Real Estate, Inc. and the City of Escondido for Violations of Water Code Section 13376, SWRCB Order No. 99-08-DWQ, *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, Escondido Research & Technology Center, Escondido, San Diego County* (WDID No. 9 37S320081), and Order No. 2001-01, *Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, and the San Diego Unified Port District*. The Regional Board will consider accepting a proposed settlement in response to Administrative Civil Liability (ACL) Complaint Nos. R9-2005-0059 and 0097. If the Regional Board decides to reject the settlement, the matter will be rescheduled to a future public hearing at which time the

Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0237) (*Frank Melbourne*)

10. City of San Diego, Point Loma Treatment Plant: Administrative Assessment of Civil Liability as a \$42,000 Mandatory Minimum Penalty against the City of San Diego, Point Loma Treatment Plant for violations of effluent limitations contained in the National Pollutant Discharge Elimination System Permit (NPDES) for the Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall, San Diego County. The Regional Board will consider a proposal to fund a Supplemental Environmental Project (SEP) with a portion of the \$42,000 liability. If the Regional Board rejects the proposal, the matter will be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order No. R9-2005-0229) (*Mark Alpert*)

Remainder of the Agenda (Non-Consent Items):

11. New NPDES Permit: City of Escondido, Industrial Brine Collection System – Discharge to the Pacific Ocean via the San Elijo Ocean Outfall. Phase I of the IBCS will consist of a 12-inch diameter pressure pipeline that will serve the Palomar Energy Project (PEP). PEP is a 550-megawatt power plant currently being constructed by Palomar Energy LLC, owned by an entity of Semptra Energy. (Tentative Order No. R9-2005-0139, NPDES No. CA0109215) (*Paul Richter*)
12. **PUBLIC WORKSHOP:** The Regional Board will conduct a public workshop on the reissuance of the San Diego Municipal Storm Water Permit (Order No. 2001-01, CAS018758). A draft of the permit has not yet been released. The purpose of the workshop is to provide information to the Regional Board members on the San Diego County municipal storm water program in general, as well as the anticipated key topics of the permit reissuance (see attached notice). (*Bob Morris*)
13. **Executive Session - Discussion of Ongoing Litigation**
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.

San Diego Unified School District v. County of San Diego and San Diego Regional Water Quality Control Board. San Diego Superior Court, Case No. GIC 840390. Demurrer by San Diego Regional Water Quality Control Board to first amended complaint.

14. *Executive Session - Consideration of Initiation of Litigation*
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
15. *Executive Session - Discussion of Pending Litigation*
The Regional Board may meet in closed session to discuss pending litigation.
16. *Executive Session - Personnel*
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Arrangements for Next Meeting and Adjournment
Wednesday, October 12, 2005 - 9:00 a.m.
Rancho California Water District
District Board Room
42135 Winchester Road
Temecula, California

Notifications

A. On August 24, 2005, the Executive Officer rescinded Cleanup and Abatement Order (CAO) No. R9-2004-0455 for the California State Department of Parks and Recreation, Goat Canyon Enhancement Project, San Diego County. This CAO was issued for violations of State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity (Construction Permit)*. The CAO is being rescinded because the construction of the Goat Canyon Enhancement Project is complete and the conditions of the CAO have been met. (Kristin Schwall)

B. Pre-hearing Conference Scheduled for September 26, 2005. To establish cleanup requirements for San Diego Bay marine sediments located within and adjacent to NASSCO and BAE Systems San Diego Ship Repair Inc. (formerly Southwest Marine, Inc.) leaseholds, the San Diego Regional Board will convene a pre-hearing conference on Sept. 26, 2005 at the Regional Board Office Board Room beginning at 9:00 AM. Representatives of all proposed designated parties and any other persons who seek designated party status are requested to attend. The pre-hearing conference will be open to the public, but only proposed designated parties and persons seeking designated party status will be permitted to participate. The goal of the pre-hearing conference is to ensure that the hearing(s) on the tentative Cleanup and Abatement Order proceed in an orderly and prompt manner. There will be no discussion of the merits of the tentative Cleanup and Abatement Order. Additional pre-hearing conferences may be scheduled if necessary. A copy of the Notice for this pre-hearing conference is available at the Regional Board's website at www.waterboards.ca.gov/sandiego. (Michael McCann)

DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.